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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN A. ROSKA,
RESPONDENT.

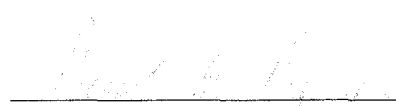
FINAL DECISION
AND ORDER

The State of Wisconsin Pharmacy Examining Board, having considered the above-entitled matter and having reviewed the record and the Stipulation and Proposed Decision attached hereto, makes the following order:

ORDER

NOW, THEREFORE, IT IS ORDERED, that the Proposed Decision attached hereto is made and ordered the Final Decision of the State of Wisconsin Pharmacy Examining Board, In The Matter of Disciplinary Proceedings Against John A. Roska, Respondent. Let a copy of this order be served on the Respondent by certified mail.

Dated this 14 day of April, 1982.



Paul G. Bjerke, Chairman

MB:kcb
038-456

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN A. ROSKA,
RESPONDENT.

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STIPULATION

The parties in this matter agree and stipulate as follows:

1. That the Respondent freely and voluntarily waives the right to a public hearing in this matter;
2. That the Respondent and the Complainant urge the Pharmacy Examining Board to adopt the Proposed Decision attached hereto and made a part hereof; and
3. That if the terms of the Stipulation and Proposed Decision are not acceptable to the Pharmacy Examining Board, then the parties shall not be bound by any of the provisions of this Stipulation or Proposed Decision.

3/25/82
Date

Michael J. Berndt
Michael J. Berndt, Attorney for Complainant

3-26-82
Date

John A. Roska
John A. Roska, Respondent

3/29/82
Date

Maurice G. Rice, Jr.
Maurice G. Rice, Jr., Attorney for Respondent

374-288

RECEIVED
MAR 31 1982

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

JOHN A. ROSKA, :
RESPONDENT. :

PROPOSED DECISION

FINDINGS OF FACT

1. That John A. Roska, the Respondent, was at all times material to the complaint in this matter duly licensed under the provisions of Chapter 450, Wisconsin Statutes, to practice as a registered pharmacist in the State of Wisconsin.

2. That the Respondent's pharmacist license is number 7019 and that this license was granted on September 16, 1980.

3. That the Respondent's last address reported to the Pharmacy Examining Board is 4100 Janick Circle North, Stevens Point, Wisconsin 54481.

4. That the Respondent currently holds a limited pharmacist license due to the Final Order rendered by the Pharmacy Examining Board In the Matter of the Disciplinary Proceedings Against John A. Roska, R.Ph., Respondent (7/8/81).

5. That one of the limitations imposed on the Respondent by said Final Order is that the respondent shall provide to the Board accountability audits of Schedule II controlled substances every 90 days and that the first accountability audit shall be submitted no later than September 1, 1981.

6. That on approximately September 1, 1981, the Respondent provided to the Board an inventory of Schedule II controlled substances but did not provide an accountability audit as required by the Final Order.

7. That following receipt of said inventory, the respondent was informed by the Board that an audit and not an inventory was required and that on November 16, 1981, an accountability audit for the period May 27, 1981 through August 31, 1981 was provided by the respondent.

8. That pursuant to the Final Order another accountability audit was to be provided to the Board by December 1, 1981.

9. That the Pharmacy Examining Board has no record of receipt of said accountability audit due December 1, 1981, prior to February 23, 1982.

10. That on February 23, 1982, the Pharmacy Examining Board was provided with the accountability audit due December 1, 1981.

11. That on March 3, 1982, the Pharmacy Examining Board received the accountability audit due March 1, 1982.

12. That the three accountability audits provided by the Respondent have revealed no shortages of controlled substances.

13. That the Respondent's failure to file an accountability audit on September 1, 1981, was due to a misunderstanding regarding the difference between an inventory and an accountability audit.

14. That the Respondent and the Respondent's employee, Maureen Grim recall that the respondent completed the accountability audit due December 1, 1981, on December 11, 1981 and on December 11, 1981 Grim mailed the completed accountability audit to the Pharmacy Examining Board.

15. That the Respondent was unable to complete the accountability audit due December 1, 1981, until December 11, 1981, because the audit covered the period up to and including November 30, 1981, and because the respondent was awaiting the receipt of two signed copies of telephone prescriptions sold during the latter part of November.

CONCLUSIONS OF LAW

1. That the Respondent has twice failed to provide timely accountability audits.

2. That by twice failing to provide accountability audits, the Respondent has twice failed to comply with the final disciplinary order of the Pharmacy Examining Board issued July 8, 1981, contrary to Wisconsin Administrative Code section Phar 5.03(22).

3. That the Pharmacy Examining Board has jurisdiction to take disciplinary action against the Respondent pursuant to section 450.02(7), Wisconsin Statutes, for violating Wisconsin Administrative Code section Phar 5.03(22).

ORDER

NOW, THEREFORE, IT IS ORDERED that the limitations on the license of the respondent imposed by the Final Order in In the Matter of Disciplinary Proceedings Against John A. Roska, R.Ph., Respondent (7/8/81) be extended for an additional period of six months.

IT IS THEREFORE ORDERED that:

1. The respondent shall provide to the Board accountability audits of Schedule II controlled substances on June 1, 1982, September 1, 1982, and December 1, 1982. Each such audit shall cover the period of time from the conclusion of the prior audit up to and including the 25th day of the month prior to the due date. The audits shall be forwarded to the Pharmacy Examining Board by certified mail.

2. Roska shall maintain his pharmacy in a clean and orderly manner, as required by Wisconsin Statutes, section 450.02(10).

3. Roska shall appear before the Board, or its designee, at such times and places as the Board shall require, to disclose or discuss his compliance with the limitations set forth herein.

FAILURE TO COMPLY with the terms and limitations of this order or the terms and limitations of the original order dated July 8, 1981, will be grounds, upon appropriate proof, for imposing the original suspension or any discipline the Board deems fitting.

109-244